

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

1998 APR 30 P 2:05

ENVIR. APPEALS BOARD

In the Matter of:

Environmental Disposal Systems, Inc)
Romulus, Michigan

UIC APPEAL NO. _____

PETITION FOR REVIEW
OF UIC FINAL PERMITS #MI-163-1W-C007 AND #MI-163-1W-C008

Pursuant to 40 C.F.R. 124.19(a), Sandra K. Yerman, ("Petitioner"), petitions for review of the conditions of Final UIC Permits, No. MI-163-1W-C007, and No. MI-163-1W-C008, received by Environmental Disposal Systems, Inc. ("EDS"), on April 24, 1998. Certain permit conditions are based on erroneous findings of fact and conclusions of law; OR an exercise of discretion or an important policy consideration which the Environmental Appeals Board, ("the Board"), should, in its discretion review.

By its terms, UIC Permit No. MI-163-1W-C007 and Permit No. MI-163-1W-C008 are effective as of April 24, 1998, unless appealed, and remain in effect until April 24, 2003, "...unless either construction commences or you (EDS) request in writing an extension of the expiration date." (per letter dated March 23, 1998, from USEPA, Region 5, UNSIGNED, from Rebecca L. Harvey, Chief; contact person David Werbach, (312)886-4242; copy enclosed)

The filing of this Petition for Review STAYS the effective date of these UIC permits!

2.

ISSUES ON WHICH REVIEW IS SOUGHT-POLICY CONSIDERATIONS

1. The UIC Permits, granted on March 18, 1998, were done so, under unusual conditions;

a. The most obvious, is that the letter from Rebecca L. Harvey, Chief, dated March 23, 1998, to Douglas E. Wicklund, President of EDS, WAS UNSIGNED, (see copy); and therefore, BOTH UIC PERMITS SHOULD BE REVOKED AND/OR DISQUALIFIED, PER THE DISCRETION OF THE BOARD!

b. The March 20, 1998 Notice stated, "...The final permits and response to comments document are available for viewing at:

Romulus Public Library (location and hours)

Taylor Community Library (location and hours)."

Yet, both the permits, and the response to comment documents were not available at either library UNTIL MARCH 26, 1998; and even Douglas Wicklund, (EDS), did not receive his copy of both UIC permits UNTIL MARCH 24, 1998; and therefore, BOTH UIC PERMITS SHOULD BE REVOKED AND/OR DISQUALIFIED, PER THE DISCRETION OF THE BOARD!

In addition, I sent a letter to David Werbach, on March 26, 1998, and Mr. Werbach replied on a letter dated April 3, 1998, in which Mr. Werbach stated, "...If you believe that we have not followed the regulations governing the issuance of permit decisions, then you need to send that information to the Environmental Appeals Board as part of your appeal of any permit decisions." I AM DOING SO, NOW!

(see copies enclosed: March 20, 1998 Notice; envelope addressed to Romulus Public Library; letter to Romulus Public Library, from Rebecca L. Harvey, Chief, dated March 24, 1998, SIGNED BY Lisa R. Perenchio; green return receipts to both libraries; FedEx envelope to EDS; letter from Mr. Werbach, dated April 3, 1998; (my letter dated March 26, 1998 was previously cc'd to the Board).

3.

c. Both UIC Permits referenced "(40 CFR) Parts 124, 144, 146, 147, and 148"; yet, I found reference, within both UIC Permits, to all of these additional Parts of 40 CFR: Parts 136, 141, 261, 262, 268, and Part 2! In addition I MADE A FOIA REQUEST, DATED APRIL 13, 1998, FOR EVERY CODIFIED REFERENCE I FOUND IN BOTH UIC PERMITS; (see page 3. of my letter, enclosed). I WOULD LIKE TO RESERVE THE RIGHT TO MAKE ANY OBJECTION I MAY HAVE, TO ANY OF THE ABOVE REFERENCED CODIFIED SECTIONS, AFTER A REASONABLE TIME AFTER I RECEIVE THEM, FROM THE FOIA OFFICER, (see letter dated April 24, 1998); AND I WANT A REVIEW OF ALL CODIFIED REFERENCES TO BE LISTED ON THE PERMIT, BY THE BOARD!

d. Both UIC Permits had Jo Lynn Traub's name on them; yet, Rebecca L. Harvey signed for Ms. Traub. Does this make any difference to the Board? Doesn't anyone ever sign their own name, above the typed line designating their name, as they should?

e. Both UIC Permits referenced the statutory provisions of Section 3004(f), (g), and (m) of (RCRA); yet, I found reference to Section 3004(a) of RCRA within both UIC Permits. I MADE A FOIA REQUEST FOR SECTION 3004(a) of RCRA, AND WOULD LIKE TO RESERVE THE RIGHT TO MAKE ANY OBJECTION I MAY HAVE, TO THIS PROVISION, AFTER A REASONABLE TIME AFTER I RECEIVE IT. I WANT THE BOARD TO REVIEW WHETHER SECTION 3004(a) SHOULD HAVE BEEN INCLUDED ON BOTH UIC PERMITS.

f. UNDER THE FREEDOM OF INFORMATION ACT, I, SANDRA K. YERMAN, AM REQUESTING FROM THE BOARD, A COPY OF THESE PROVISIONS: the statutory provisions of Section 3004(f), (g), and (m) of the Resource Conservation and Recovery Act. As the Board is a Federal Agency, I believe the Board has 20 business days to grant this request. Any denial of this request must be accompanied by a written reason for denial.

4.

OTHER POLICY CONSIDERATIONS

g. Under "Confidentiality", on page 2 of 24, Part I.(D) of UIC Permits, I WANT REVIEW BY THE BOARD, WHETHER, IN FACT, 40 CFR PART 2 AND 40 CFR 144.5, ACTUALLY ALLOW INFORMATION SUBMITTED TO THE USEPA TO BE CLAIMED AS CONFIDENTIAL BY THE SUBMITTER, WHETHER PREVIOUSLY STAMPED "CONFIDENTIAL BUSINESS INFORMATION," OR NOT, BEFORE SUBMISSION! I FIND THIS PROVISION "CONFIDENTIALITY" VERY TROUBLING; AND WANT THE BOARD TO REVIEW IF SUCH PROVISION OF "CONFIDENTIALITY VIOLATES PROVISIONS OF THE FREEDOM OF INFORMATION ACT; AS I HAVE REQUESTED 40 CFR PART 2 AND 40 CFR PART 144.5, IN ADDITION TO ALL OTHER REQUESTS LISTED IN THIS PETITION FOR REVIEW ON PAGE 3, BUT, YET, HAVE NOT RECEIVED SUCH REQUESTS, I HAVE NO IDEA ABOUT THE VALIDITY OF SUCH "CONFIDENTIALITY" PROVISIONS, UNDER PART 2 AND PART 144.5; AND I WOULD LIKE TO RESERVE THE RIGHT TO OBJECT TO ANY AND ALL PROVISIONS OF THE PROVISION OF "CONFIDENTIALITY" UNTIL SUCH TIME AFTER (A REASONABLE TIME) I RECEIVE SAID PROVISIONS/ FOIA REQUESTS!

i. Under "Proper Operation and Maintenance," on page 4 of 24, Part I.(E)(6), I would like this clause reviewed by the Board, and preferably stricken from the provision: "This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit." WHEN, IN FACT, EDS HAS ANOTHER FACILITY, ON WAHRMAN RD. IN ROMULUS, MICHIGAN; BUT HAS BEEN DENIED THEIR MDEQ "625" PERMIT, ON THE BASIS OF NEED, i.e. HAL FITCH, CHIEF, OF THE GEOLOGICAL SURVEY DIVISION, HAS RULED THAT THERE IS NO "NEED" FOR TWO SUCH FACILITIES IN ROMULUS; I FEEL THIS PROVISION UNDER PART I,E.6. IS IN CONFLICT WITH MR. FITCH'S RULING, AND SHOULD BE STRICKEN BY THE BOARD!

5.

j. Under "Records," on page 5 of 24, Part I (E) (9) (c), I feel that the permittee should retain records concerning the nature and composition of all injected fluids for a much longer period than three (3) years after the completion of plugging and abandonment; preferably for 10,000 years, or however long the fluids injected will remain toxic! In a "Fact Sheet" drafted by David Werbach, for the Wahrman Rd. site, (in 1991), Mr. Werbach stated, "...Prior to injecting the majority of the different types of hazardous wastes, EDS will have to demonstrate that the site will contain the waste for a 10,000 year time period." Therefore, records just be maintained for a much longer period than the three (3) years assigned in I (E) (9) (c) I WANT THE BOARD TO REVIEW THIS PROVISION, AND ASSIGN A MUCH LONGER TIME RECORD OF LIQUIDS INJECTED BY EDS, AFTER COMPLETION OF PLUGGING AND ABANDONMENT! (see copy of Mr. Werbach's draft letter, undated)

k. Under "Reporting Requirements," on page 6 of 24, I (E) (12) (a), "Planned Changes," I feel that the permittee should be allowed NO ALTERATIONS AND NO ADDITIONS TO THE PERMITTED FACILITY, OTHER THAN THE MINOR REPAIR/REPLACEMENT MAINTENANCE ACTIVITIES! WITH A COMPANY LIKE EDS, THAT HAS A HABIT OF EXPANDING TO WHERE THEY ARE NOT WANTED, i.e. ESTABLISHING TWO (2) FACILITIES IN ROMULUS, WHEN NONE ARE WANTED, THIS IS A DANGEROUSLY OPEN-ENDED PROVISION, AND COULD ALSO COME INTO CONFLICT WITH THE PART "625" MDEQ PERMIT REQUIREMENTS. I WANT THE BOARD TO REVIEW THIS PROVISION, AND PREFERABLY STRIKE THIS PROVISION!

l. Under "Compliance/Noncompliance," on pages 6 and 7 of 24, I (E) (12) (b) and I (E) (12) (c), I feel that the permittee should be allowed NO ANTICIPATED NON-COMPLIANCE, OF ANY KIND! ANY ANTICIPATED NONCOMPLIANCE, CAN BE CHANGED TO FULL COMPLIANCE INSTEAD!

6.

I WANT THE BOARD TO REVIEW PROVISIONS I (E) (12) (b), and I (E) (12) (c).

m. Under "Closure," on page 8 of 24, I (F) (1), and "Post-Closure Care," on page 9 of 24, I (G) (1), I feel that language must be added, in case EDS, EDS/REMUS JOINT VENTURE, OR ANY COMBINATION THEREOF, WHETHER A LIMITED LIABILITY CORPORATION (LLC) OR NOT, GOES BANKRUPT, DISBANDS, REORGANIZES, ETC. ETC. ETC.! So, The last sentence in each clause, both exactly the same, should be changed to thus: "...The obligation to implement the Closure Plan survives the termination of this permit, the cessation of injection activities, and the termination/cessation of EDS, the corporation; EDS/REMUS JOINT VENTURE; REMUS JOINT VENTURE, LLC; OR ANY COMBINATION THEREOF! I WANT THE BOARD TO REVIEW THIS PROVISION!

n. Under "Notice in Deed to Property," on page 10 of 24, Part I (G) (8), the permittee should also have to record a notation on the deed(s) of any property surrounding the injection well, under which EDS' errant fluids will have migrated, (or on some other instrument which is normally examined during title search), that will in perpetuity provide any potential purchaser of the property with the information listed in 40 CFR 146.72. I WANT THE BOARD TO REVIEW THIS PROVISION.

o. Under "Post-Closure Care," on page 11 of 24, Part I (G) (9), "Financial Responsibility for Post-Closure Care," I feel that language must be added, (similar to m. above), thus: "...The obligation to maintain financial responsibility for post-closure care survives the termination of this permit, the cessation of injection, and the termination/cessation of EDS, the corporation; EDS/REMUS JOINT VENTURE; REMUS JOINT VENTURE, LLC; OR ANY COMBINATION THEREOF! I WANT THE BOARD TO REVIEW THIS PROVISION!

7.

p. Under "Operations," on page 18 fo 24, Part II (B) (1), "Injection Prssure Limitation," HAVE THE BOARD TAKE NOTE THAT INJECTION PRESSURE CAN PROPAGATE EXISTING FRACTURES, MAKING THIS PROVISION OBJECTIONABLE BASED ON ERRONEOUS FINDINGS OF FACT, AND IMPORTANT POLICY CONSIDERATION! HOW CAN THIS INJECTION WELL BE DEEMED "SAFE," WHEN INJECTION CAN PROPAGE EXISTING FRACTURES? THE BOARD SHOULD REVOKE AND TERMINATE THESE UIC PERMITS, BASED ON THE CLEARLY ERRONEOUS ASSERTIONS THAT THE WELLS WILL BE SAFE, WHEN SUCH PROPAGATION OF EXISTING FRACTURES EXIST, AND ARE SPECIFIED IN THIS PORVISION! I WANT THE BOARD TO REVIEW THIS PROVISION!

q. Under "Waste 'SOURCE' CHARACTERIZATION," on page A-4 of 6, (D) (1) sample analysis results, should include (i), Presence of bacteria, (which is required by the MDEQ for the Part 625 Permit, I believe). I WANT THE BOARD TO REVIEW THIS PROVISION.

r. Under "Fingerprint Analysis," on page A-6 of 6, (G), presence of bacteria should also be analyzed here. I WANT THE BOARD TO REVIEW THIS PROVISION.

s. Under EPA "PLUGGING AND ABANDONMENT PLAN," on page B-2 of 10, the Estimated Cost to Plug Wells, at \$19,500.00 SHOULD BE REVIEWED BY THE BOARD.

t. Under the NBD "IRREVOCABLE STANDBY LETTER OF CREDIT," on page B-8 of 10, I WANT THE BOARD TO REVIEW THIS LETTER OF CREDIT. IT LOOKS TO ME THAT IT IS EXPIRED, OR THAT IT COULD BE EXPIRED VERY EASILY 120 DAYS BEFORE EACH SUCCESSIVE EXPIRATION DATE! WHAT KIND OF A GUARANTEE IS THAT; AND THE AMOUNT OF \$13,800.00 IS PREPOSTEROUS! WHAT KIND OF ENVIRONMENTAL (AQUIFER) CLEANUP WILL \$13,800.00 PAY FOR?

u. Under the NBD "ADVICE OF LETTER OF CREDIT AMENDMENT," on

8.

page B-10 of 10, I WANT THE BOARD TO REVIEW THIS AMENDMENT. THE AMOUNT OF \$27,600.00 IS PATHETIC, AND IF ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED, I BELIEVE THIS LETTER OF CREDIT HAS EXPIRED, OR COULD BE EXPIRED EACH SUCCESSIVE YEAR! PATHETIC!

Please, Environmental Appeals Board, REVIEW THIS PETITION FOR REVIEW, AND REVOKE EDS' TWO (2) PERMITS!

Enclosures 12

Sincerely,

Sandra K. Yerman
Sandra K. Yerman
Petitioner

FOIA
EX. 6

SENDER'S COPY

AIRBILL
POSTAGE
TRACKING NUMBER

4299987303

USE THE AIRBILL FOR TRACKING PURPOSES. FOR ADDITIONAL INFORMATION, CALL 1-800-468-3636. FOR MORE INFORMATION, CALL 1-800-238-5353 TOLL FREE.

3004M

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WU-165-UIC MR. FIDAL PERMITS MI-163-10-0007-0008

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, 4a, and 4b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☒ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:
ROMULUS PUBLIC LIBRARY
11121 WAYNE ROAD
ROMULUS, MICHIGAN 48174

4a. Article Number
P 140 784 728

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
3/26

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt
PS Form 3811, December 1994

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

WU-165-UIC MR. FIDAL PERMITS MI-163-10-0007-0008

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, 4a, and 4b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☒ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:
MS. NANCY POLLOCK
TAYLOR COMMUNITY LIBRARY
12303 PARDEE ROAD
TAYLOR, MICHIGAN 48180
4840

4a. Article Number
P 140 784 729

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
3-26-98

5. Received By: (Print Name)
Nancy Pollock

6. Signature: (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt
PS Form 3811, December 1994

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 23 1998

REPLY TO BE ATTACHED TO
WU-16J

VIA OVERNIGHT MAIL

Mr. Douglas F. Wicklund
Environmental Disposal Systems, Inc.
199 W. Brown Street
Suite 200
Birmingham, Michigan 48009

Re: Final Letter for Wells #1-12 and #2-12 (Environmental Protection Agency
Permits #MI-163-1W-C007 and #MI-163-1W-C008) in Romulus, Michigan

Dear Mr. Wicklund:

In accordance with permit conditions, construction of the above-mentioned injection wells is authorized to begin on the effective date of the permit found on the signature page of the enclosed permits. Please send written notification within 30 days of the receipt of this letter that you have read and are familiar with conditions on the enclosed final EPA permits. Please be advised that these permits only authorize compliance with the Federal Underground Injection Control program and not any other programs, such as those authorized under the Resource Conservation and Recovery Act (RCRA). The permits will expire one year from the effective date of the permit unless either construction commences or you request in writing an extension of the expiration date.

In accordance with 40 CFR 124.19(a), any person who files comments on a draft permit may petition the Environmental Appeals Board to review any condition of the final permit decision. The petition shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations, and when appropriate, a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous, or an exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review. If you wish to request an administrative review, you must submit such a request by regular mail to the United States Environmental Protection Agency, Environmental Appeals Board (MC 1103B),

401 M Street, S.W., Washington, D.C. 20460. Requests sent by express mail or hand-delivered must be sent to the United States Environmental Protection Agency, Environmental Appeals Board, 607 14th Street, N.W., Suite 500, Washington D.C. 20005. All requests must arrive at the Board's office on or before May 1, 1998. The request will be timely if received by this date. This request for review must be made prior to seeking judicial review of any final permit decision.

The Environmental Appeals Board may also decide on its own initiative to review any condition of the permit. The Environmental Appeals Board must act within 30 days of the service date of this notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the Environmental Appeals Board shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action.

Please note in the Response to Comments (enclosed) that there have been some changes between the draft permits and the final permits. The following changes have been made to the permit:

1. The depths listed in the permits have been changed to include "approximately" before them;
2. Part II(D), Page 21, has been changed to clarify that monitoring reports are to be submitted after initial authorization to inject has been given;
3. Part II(D) (1) (b), Page 21, was modified to include maximum and minimum annulus pressure in the list of information to be submitted in tabular form, and Part II(D) (1) (c), Page 21, was modified to include graphs of annulus pressure, pH, and injection volume to be submitted monthly;
4. The permit numbers have been changed to MI-163-1W-C007 and MI-163-1W-C008; and
5. Cover pages were modified to insert the 1 year expiration for failure to commence construction.

The permits, particularly under Part I(L) and Part III(F), contain specific requirements that must be met before injection can be authorized. You must notify our office prior to commencement of drilling, and submit daily drilling reports to our office for review. Additionally, there will be a number of events during the construction of your wells which will have to be witnessed by a USEPA representative. Therefore, we will need adequate notification from you to our office to minimize the disruption to your drilling schedule. We

encourage you to stay in close contact with our office, to ensure an efficient construction program. In addition, an approved petition for exemption from the land disposal restrictions must be obtained before injection of banned hazardous waste.

If you have any questions, please call David Werbach at (312) 886-4242.

Sincerely yours,

Rebecca L. Harvey, Chief
Underground Injection Control Branch

Enclosures

cc: Thomas Wellman, Michigan DEQ
Charles Brown, c/o John Bendall/ICF, Incorporated



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 03 1998

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL P 140 784 760
RETURN RECEIPT REQUESTED

Sandra Yerman
[REDACTED]

FOIA
EX. 6

Dear Ms. Yerman:

Thank you for your letter dated March 26, 1998, and your phone call on March 24, 1998, regarding the Environmental Disposal Systems, Inc. (EDS) injection well permits. A summary of your discussion with Jeff McDonald was forwarded to me.

First, let me assure you that we have corrected your name in our database. Thank you for notifying us of this. Enclosed is a copy of the certified mail receipt as you requested.

Second, you stated that we did not comply with 40 CFR §124.19 because we did not send you a copy of the final permit decisions. However, as stated in the public notice you received on March 23, 1998, the final permits are available for review in the Romulus Library and the Taylor Library; the libraries received copies of the final permits on March 26, 1998. Furthermore, under 40 CFR §124.15(a), the United States Environmental Protection Agency (USEPA) is not required to send out copies of the final permit decisions to persons who submitted written comments or requested notice of the final permit decision; the USEPA must only send notification of the final decision, response to comments, and any changes made in the final permit decision. The USEPA sent these required items to you on March 20, 1998, and you received them on March 23, 1998. We have decided in this case, however, to forward a copy of each of the permits to you (enclosed).


Third, you requested, under the Freedom Of Information Act, a copy of the letter sent to EDS accompanying the final permit decisions, and proof of service of the notification. Enclosed is a copy of the information you requested.

Fourth, you requested a new letter containing the correct spelling of your name and the correct permit number. We will not be sending you a new letter, as it is apparent from your letter of March 26, 1998, that you received and understood what was contained in the notification. We do not believe that a new mailing or appeal time period is warranted at this time.

If you believe that we have not followed the regulations governing the issuance of permit decisions, then you need to send that information to the Environmental Appeals Board as part of your appeal of any permit decisions.

Please feel free to contact me at (312) 886-4242 if you have any questions.

Sincerely yours,



David Werbach, Geologist
Underground Injection Control Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FACT SHEET

DRAFT

ENVIRONMENTAL DISPOSAL SYSTEMS, INC., CLASS I HAZARDOUS WASTE INJECTION WELL

Location:

The Environmental Disposal Systems, Inc. (EDS) Class I commercial hazardous waste injection well is located in Romulus, Michigan, just west of the Detroit Metropolitan Airport. The well site is located on Wahrman and Northline Roads.

Purpose:

EDS has drilled the well for the commercial disposal of hazardous and non-hazardous liquid wastes. Wastes will be brought in from various locations and injected into a deep well approximately 4000 feet below the surface.

Well Construction:

Drilling commenced on the deep well on July 20, 1993. Surface casing was set to a depth of 170 feet, and cemented to the surface (see attached diagram). Intermediate casing was set to a depth of 760 feet below the surface, and cemented in place. The well was then drilled to final depth of 4490 feet. The longstring casing was set to a depth of 4026 feet below the surface, and cemented into place. Prior to the intermediate and longstring casing were set, a wide variety of geophysical logs were run to determine the geology and other parameters of the formations encountered. In addition, cores (samples of the formations) were taken from 5 separate intervals. These cores will be tested to determine the porosity, permeability, and other parameters of the formations. All the information gathered from the geophysical logs, the cores, and other tests run will be used to determine the adequacy of the injection and confining zone.

Permit History:

The draft permit for the EDS commercial hazardous waste injection well was put on public notice on August 14, 1991. A public notice was published in the Detroit News on that date, and copies of the public notice were sent out to those on our mailing list. Few public comments were received, and therefore, no public hearing was held. The final permit was signed on September 27, 1991, and became effective on October 27, 1991.

Federal EPA Role:

Injection wells in the State of Michigan are regulated by the USEPA Underground Injection Control (UIC) Program in Chicago, Illinois. The purpose and scope of the Federal UIC regulations is to determine the soundness of construction and operation of injection wells as they relate to the protection of all Underground Sources of Drinking Water (USDWs). A USDW is an aquifer or its portion which contains less than 10,000 milligrams per liter of total dissolved solids and which is being or could be used as a source of drinking water. The lowest USDW in the Romulus area is no deeper than 210 feet.

DRAFT

The surface facilities are regulated by the Michigan Department of Natural Resources (MDNR). Issues such as noise, truck traffic, zoning, and property values are not part of the Federal program, and are therefore not considered in the permitting decision. Only those issues involving the geologic siting and actual operation of the well are handled under the Federal UIC program.

Requirements Prior to Injection:

Before injection can commence, EDS will have to demonstrate that the site is adequate for the injection of waste. This will involve the demonstration that an adequate injection and confining zone exists for the site, and that they have an adequate plan for testing and sampling the wastes to be injected. Prior to injecting the majority of the different types of hazardous wastes, EDS will have to demonstrate that the site will contain the waste for a 10,000 year time period. This will involve the determination of the amount of fluid migration, both vertically and horizontally. These are generally on the order of a few miles for horizontal migration, and a few hundred feet vertically, in the 10,000 year time period.

For further information, please contact:

David Werbach
USEPA Region 5
WD-17J
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 1886-4242



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 24 1998

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL P 140 784 728
RETURN RECEIPT REQUESTED

Romulus Public Library
11121 Wayne Road
Romulus, Michigan 48174

Re: Final Permits #MI-163-1W-C007 and #MI-163-1W-C008

Dear Sir/Madam:

Please include the enclosed material with the other material available to the public regarding the Environmental Disposal Systems, Inc. (EDS) sites in Romulus, Michigan. Enclosed with this letter are two (2) final Underground Injection Control permits and a Response to Comments document. Please hold this material and make it available to the public until June 1, 1998, and longer, if possible. You may wish to attach this letter to the last page of the enclosure for use as a dated reference. To allow for unusual circumstances necessitating longer public availability, this material may be comfortably disposed of after 180 days.

We thank you for your assistance as a Repository for this information. All of this material should be stored and presented together if requested.

If there are any questions regarding the enclosures, please feel free to contact Mary Ella Redding or David Werbach of my staff at (312) 886-1507, or (312) 886-4242, respectively. We appreciate your assistance in the public notification process.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rebecca L. Harvey".

Rebecca L. Harvey, Chief
Underground Injection Control Branch

Enclosures

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

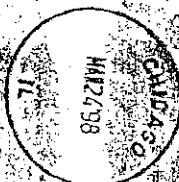
CERTIFIED

P 140 784 728

Fold at line over top of envelope to
the right of the return address

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11121 WAYNE ROAD
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April 18, 1998

NOW, THIS IS A TOTAL NEW REQUEST, IN ADDITION TO THE PREVIOUS REQUESTS.

UNDER THE FREEDOM OF INFORMATION ACT, I, SANDRA K. YERMAN, AM REQUESTING

A COPY OF ALL OF THE CODIFIED REFERENCES, IN THEIR ENTIRETY, IN BOTH EDS

PERMITS, MI-163-1W-C007, & MI-163-1W-C008, INCLUDING, BUT NOT LIMITED TO:

1. 40 CFR Part 124. * means not in order.
2. 40 CFR Part 136, incl. 136.3 Table 1, (page 6 of 24).
3. 40 CFR Part 141. *144.5
4. 40 CFR Part 144, incl. 144.27, 144.28, 144.31, 144.32, 144.34, *144.12, 144.37, 144.38, 144.39, 144.40, 144.41, 144.50, 144.52, incl. 144.52 (a), (b), 144.60 thru 144.70, 144.62, incl. 144.62 (a) and (b), 144.72, and 144.73.
5. 40 CFR Part 146, incl. 146.10, 146.64, 146.71, incl. 146.71 (a), (4) and 146.71 (d) (2), 146.72 incl. 146.72 (a), 146.72 (b), 146.72 (b) (5), 146.72 (c), 146.72 (h) (4), *146.68 (e), 146.8, 146.8 (a) (1), 146.8 (a) (2), 146.8 (d).
6. 40 CFR Part 147.
7. 40 CFR Part 148, incl. 148.4.
8. 40 CFR Part 261, incl. Appendix I, Table I, 261.24, 261.30, 261.32, 261.33, 261.34. (Appendix I and Table 1, on page 6 of 24).
9. 40 CFR Part 262, incl. 262.11.
10. 40 CFR 268, incl. 268.43, Table CCW. (page 15 of 24).
11. *40 CFR Part 2. (page 2 of 24)
12. Section 3004 (a) of RCRA. (page 15 of 24).
13. EPA FORMS, 7520-10, and 7520-14. (7510, page 16 of 24).
14. 5 USC 558 (c). (page 3 of 24).

EVERY ONE OF THESE CODIFIED REFERENCES CAN BE FOUND IN BOTH EPA PERMITS, TO EDS. PLEASE SEND ME A COPY OF EACH CODIFIED REFERENCE, ASAP. THE APPEALS CLOCK IS TICKING, EVEN THOUGH I DON'T FEEL IT SHOULD BE!

Please send me everything underlined in this letter, asap!

cc: David A. Kee, Dir.
USEPA-Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

Sincerely,

Sandra Yerman
Sandra Yerman FOIA

[REDACTED]